

**REMARKS**

Claims 10-12 and 25-31 are pending. Claims 1-9 and 13-24 are cancelled without prejudice. Claims 25 and 27-31 are rejected under 35 U.S.C. § 103(a). Claims 10-12 and 26 are objected to. Claim 10 is currently amended.

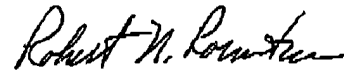
Claim 10 is objected to for reciting "greater" rather than "less" in the last line. Applicants have amended claim 10 to recite "producing a second control signal indicating the other of transmit diversity and no transmit diversity of the input signal in response to the step of comparing when the output signal has a value less than a value of the second reference signal." Thus, claims 10-12 are patentable.

Claim 26 is objected to as being depending on rejected base claim 25. Claim 25, however, is patentable for the following reasons. Thus, claim 26 is patentable.

Claims 25 and 27-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Whinnett et al. (U.S. Pat. No. 6,317,411) in view of Okanoue (U.S. Pat. No. 6,317,411). The application of Whinnett et al. was filed February 22, 1999. The instant application claims priority to provisional application 60/119,732, filed February 12, 1999, and provisional application 60/120,609, filed February 18, 1999. Whinnett et al., therefore, is not a reference against the instant application. Moreover, a combination of Whinnett et al. and Okanoue is not a reference against the instant application. Thus, claims 25 and 27-31 are patentable under 35 U.S.C. § 103(a).

In view of the foregoing, applicants respectfully request reconsideration and allowance of claims 10-12 and 25-31. If Examiner finds any issue that is unresolved, please call applicants' attorney by dialing the telephone number printed below.

Respectfully submitted,



Robert N. Rountree  
Attorney for Applicants  
Reg. No. 39,347

Robert N. Rountree, LLC  
70360 Highway 69  
Cotopaxi, CO 81223  
Phone/Fax: (719) 783-0990